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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/306,510	05/07/1999	ALEJANDRO GABRIEL SHCROTT	YO999-097	3541

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EXAMINER

BROWN, VERNAL U

ART UNIT PAPER NUMBER

2635

DATE MAILED: 06/17/2003

Please find below and/or-attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/306,510

Applicant(s)

SHCROTT ET AL.

Examiner

Vernal U Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 April 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

This action is responsive to communication filed on April 08, 2003.

#### ***Response to Amendment***

The examiner has acknowledged the addition of claims 21-24.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-2, 4-16, and 18-20 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-7, 9-15, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muhme U.S Patent 5886634 and in view of Yeadon U.S Patent 6393339 and further in view of Garber et al. U.S Patent 6232870.

Regarding claim 1, Muhme teaches a system for preventing the theft of an object (figure 1), comprising;

an electronic article surveillance (EAS) device (22) operatively attached to an object (12), a security path for detection of the EAS device (col. 2 lines 50-53), a reader (18) operatively coupled to the security path (col. 3 lines 26-27), an user identification card (col. 3 lines 4-7). Muhme further teaches disabling the security gate without disabling the tag device by

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deactivating a lock (col. 4 lines 6-15) but is however silent on teaching a smart card containing an identification profile of an authorized user and the disabling of the security gate if a person if a person entering the security path is authorized to remove the object and the EAS device comprises a low frequency tag having a frequency in a range of about 100 Hz to about 1000Hz and the low frequency tag is formed of wired and strips. Yeadon in an art related Computerized Stock Control System invention teaches a smart card with user identification information that enables the removal of articles from a dispensing station (col. 5 line 67- col. 6 line 1) but is also silent on teaching an EAS device comprises a low frequency tag having a frequency in a range of about 100 Hz to about 1000Hz. Garber et al. in an art related Applications for Radio Frequency Identification System invention teaches an EAS device comprises a low frequency tag having a frequency in a range of about 100 Hz to about 1000Hz (col. 4 lines 54-55). One skilled in the art further recognizes that tags are chosen to operate at different frequency range base of the application environment of the tag.

It would have been obvious to one of ordinary skill in the art to have a smart card containing an identification profile of an authorized and to have an EAS device comprises a low frequency tag having a range of 100Hz to about 1000Hz in Muhme in as evidenced by Yeadon and in view of Garber et al. because Muhme suggests an security system with an EAS device and Yeadon teaches the use of a smart card with user identification information that enables the removal of an object from a secured area in order to provide a more secure system and Garber et al. also teaches an EAS device comprises a low frequency tag having a frequency in a range of about 100 Hz to about 1000Hz so as to prevent the tag from been shield from detection.

Regarding claim 4, Muhme teaches an EAS device comprises a radio frequency tag (col. 3 lines 22).

Regarding claim 5, Muhme teaches the gate incorporating an interrogation zone (col. 3 lines 12-15) and identifying a user by using a card reader to read the user's identification information (col. 3 lines 16-17). The gate is therefore built integrally with the reader because the gate is operated based on the information read by the card reader.

Regarding claim 6, Muhme teaches a database (38) including information regarding authorized user (col. 5 lines 14-15).

Regarding claim 7, Muhme teaches an alarm (34) coupled to the security path and an EAS device activates an alarm upon passage through the security path (col. 4 lines 16-20).

Regarding claim 9, Muhme teaches an authorized user is allowed free passage when the user exhibit an identification card ((col. 3 lines 4-7) but is silent on teaching the authorized person exhibiting a smart card. Yeadon in an art related Computerized Stock Control System invention teaches a smart card with user identification information that enables the removal of articles from a dispensing station (col. 5 line 67- col. 6 line 1).

It would have been obvious to one of ordinary skill in the art for an authorized person to exhibit a smart card in Muhme as evidenced by Yeadon because Mhume suggests the use of an identification card with user identification information and Yeadon teaches an identification card in the form of a smart card with user identification information that enables the removal of an object from a secured area in order to enhance the security of the antitheft system.

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Regarding claim 10, Muhme teaches a storage device (38) database containing information regarding authorized user (col. 3 lines 46-47).

Regarding claim 15, Muhme teaches a system for preventing the theft of an object (figure 1), comprising;

an electronic article surveillance (EAS) device (22) operatively attached to an object (12), a security path for detection of the EAS device (col. 2 lines 50-53), a reader (18) operatively coupled to the security path (col. 3 lines 26-27), an user identification card (col. 3 lines 4-7). Muhme further teaches disabling the security gate without disabling the tag device by deactivating a lock (col. 4 lines 6-15) but is however silent on teaching a smart card containing an identification profile of an authorized user and the disabling of the security gate if a person if a person entering the security path is authorized to remove the object and the EAS device comprises a low frequency tag having a frequency in a range of about 100 Hz to about 1000Hz and the low frequency tag is formed of wired and strips. Yeadon in an art related Computerized Stock Control System invention teaches a smart card with user identification information that enables the removal of articles from a dispensing station (col. 5 line 67- col. 6 line 1) but is also silent on teaching an EAS device comprises a low frequency tag having a frequency in a range of about 100 Hz to about 1000Hz. Garber et al. in an art related Applications for Radio Frequency Identification System invention teaches an EAS device comprises a low frequency tag having a frequency in a range of about 100 Hz to about 1000Hz (col. 4 lines 54-55). One One skilled in the art further recognizes that tags are chosen to operate at different frequency range base of the application environment of the tag.

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It would have been obvious to one of ordinary skill in the art to have a smart card containing an identification profile of an authorized and to have an EAS device comprises a low frequency tag having a range of 100Hz to about 1000Hz in Muhme in as evidenced by Yeadon and in view of Garber et al. because Muhme suggests an security system with an EAS device and Yeadon teaches the use of a smart card with user identification information that enables the removal of an object from a secured area in order to provide a more secure system and Garber et al. also teaches an EAS device comprises a low frequency tag having a frequency in a range of about 100 Hz to about 1000Hz so as to prevent the tag from been shield from detection.

Regarding claim 18, Muhme teaches an EAS device comprises a radio frequency tag (col. 3 lines 22).

Regarding claim 19, Muhme teaches the gate incorporating an interrogation zone (col. 3 lines 12-15) and identifying a user by using a card reader to read the user's identification information (col. 3 lines 16-17). The gate is therefore built integrally with the reader because the gate is operated based on the information read by the card reader.

Regarding claim 20, Muhme teaches providing a computer with a database regarding information of the authorized user (col. 3 lines 46-47) and coupling an alarm to the security path (figure 1).

Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muhme U.S Patent 5886634 and in view of Yeadon U.S Patent 6393339 in view of Garber et al. U.S Patent 6232870 of Chambers U.S Patent 4881061 .

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Regarding claim 11, Muhme teaches providing egress and ingress information (col. 3 lines 48-50) but is silent on teaching recording the time and date and user identity relating to passage through the security path. Chambers in an art related Article removal Control System teaches a system for preventing the theft of an object that records the time and date and user identity relating to passage through the security path (col. 4 lines 7-9).

It would have been obvious to one of ordinary skill in the art to record the time and date and user identity relating to passage through the security path in Muhme in view of Yeadon in view of Garber et al. because Muhme in view of Yeadon in view of Garber et al. suggests providing egress and ingress information in an article removal system and Chambers teaches a system for preventing the theft of an object that records the time and date and user identity relating to passage through the security path.

Regarding claims 12 and 13, Muhme in view of Yeadon in view of Garber et al. teaches a contact-less card (figure 1) but is silent on teaching the use of a direct contact smart card. Chambers in an art related Article removal Control System teaches the use of contact-less card reader such as optical scanner (col. 4 lines 8-11) but also teaches the replacement of optical card reader with other card reader that requires passing the card over the card reader (direct contact) (col. 8 lines 21-26).

It would have been obvious to one of ordinary skill in the art to use a direct contact smart card in Muhme in view of Yeadon in view of Garber et al. because Muhme in view of Yeadon in view of Garber et al. suggests using a contact-less card and Chambers teaches replacing a non-contact card with a direct contact card.



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Regarding claim 14, Muhme is silent on teaching a smart card comprising a magnetic strip. Chambers teaches identification card with magnetically encoded data (col. 8 lines 22-23) but is silent on teaching a smart card comprising a magnetic strip. Yeadon in an art related Computerized Stock Control System invention teaches a smart card with user identification information that enables the removal of articles from a dispensing station (col. 5 line 67- col. 6 line 1).

It would have been obvious to one of ordinary skill in the art to have a smart card with a magnetic strip in Muhme as evidenced by Chambers in view of Yeadon because Muhme suggests providing identification information and Chambers teaches an identification card with magnetically encoded data and Yeadon teaches the use of a smart card with user identification information that enables the removal of an object from a secured enclosed area. Smart cards further provide additional security to the antitheft system.

Claims 2 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muhme U.S Patent 5886634 in view of Yeadon U.S Patent 6393339 in view of Garber et al. U.S Patent 6232870 and further in view of Bacon U.S Patent 5984388.

It would have been obvious to one of ordinary skill in the art to use an acousto-magnetic tag in Chambers in view of Muhme in view of Yeadon as evidenced by Bacon because Chambers in view of Muhme in view of Yeadon suggests the use of a magnetic type tag and an alarm sound is produce when an activated tag passes through a controlled exit. An acoustic-magnetic tag as evidenced by Bacon is a magnetic tag which give rise to an acoustic signal due to magnetic excitation. An acousto-magnetic tag is therefore compatible with Chambers in view

of Muhme in view of Yeadon in that the tag is excited magnetically and a sound is produce from the magnetically excitation of the tag.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muhme U.S Patent 5886634 in view of Yeadon U.S Patent 6393339 in view of Garber et al. U.S Patent 6232870 and further in view of Nelson, Jr. U.S Patent 6297727.

Regarding claim 8, Muhme. in view of Yeadon and further in view of Garber et al. is silent on teaching a video receiver operatively coupled to the security path and the video receiver is activated upon interrogating the EAS device. Nelson, Jr. in an art related Transponder Identification And Record Assembly invention teaches the enhancement of an article surveillance system by using a video record to the transportation of an item through a security gate (col. 10 lines 18-24).

It would have been obvious to one of ordinary skill in the art to have a video receiver operatively coupled to the security path and the video receiver is activated upon interrogating the EAS device in Chambers in view of Muhme in view of Yeadon and further in view of Garber et al. U.S Patent 6232870 as further evidenced by Nelson, Jr. because Chambers in view of Muhme in view of Yeadon suggests a EAS system for ensuring the passage of an article through a security gate by authorize persons only and Nelson, Jr. teaches having a video receiver to record a person transporting an item without authorization through a security gate in order to have evidence of an unauthorized person transporting an object through a security gate.

Claim 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muhme U.S Patent 5886634 in view of Yeadon U.S Patent 6393339 and further in view of Bowers et al. U.S Patent 5883582.

Regarding claim 21, Muhme teaches a system for preventing theft of an object (figure 1), comprising:

an electronic article surveillance (EAS) device (20) operatively attached to an object;  
a security path (16) for detection of the EAS device;  
a reader (18) operatively coupled to the security path;  
a computer (40) attached to the reader, the computer disabling a security gate if a person entering the security path is authorized to remove the object (col. 4 lines 6-15). Muhme teaches a tag containing identification profile of the user (col. 2 line 55) but is silent on teaching the EAS device (tag) continuously output a signal to the security path and a smart card read by the reader and the smart card containing an identification profile of an authorized user of the object.

Yeadon in an art related Computerized Stock Control System invention teaches a smart card with user identification information that enables the removal of articles from a dispensing station (col. 5 line 67- col. 6 line 1) by providing identification information of the user and one skilled in the art recognizes that it is a conventional practice for a tag to continuously transmit its identification information while in the interrogation zone as evidenced by Bowers et al. (col. 4 lines 1-2).

It would have been obvious to one of ordinary skill in the art for the EAS device (tag) to continuously output a signal to the security path and to have a smart card read by the reader and the smart card containing an identification profile of an authorized user of the object in Muhme as evidenced by Yeadon because Muhme suggest the use of a data carrier for containing an identification profile of the user and Yeadon teaches a data carrier in the form of a smart card for containing an identification profile of the user. One skilled in the art further recognizes that it

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is a conventional practice for a tag to continuously transmit its identification information while in the interrogation zone as evidenced by Bowers et al.

Regarding claim 22, Muhme teaches the use of a tag associated with the item (20) forming the EAS device and a tag (22) associated with the person for providing the identification profile. The signal transmitted from the EAS device is therefore independent of the signal from the tag containing the identification information of the person.

Regarding claims 23-24, Muhme teaches the computer opens the security gate when the identification profile is that of an authorized user (col. 4 lines 13-15) and deactivate an alarm (col. 4 lines 19-21) but is silent on teaching the use of a smart card. Yeadon in an art related Computerized Stock Control System invention teaches a smart card with user identification information that enables the removal of articles from a dispensing station (col. 5 line 67- col. 6 line 1) by providing identification information of the user.

It would have been obvious to one of ordinary skill to have a smart card read by the reader and the smart card containing an identification profile of an authorized user of the object in Muhme as evidenced by Yeadon because Muhme suggest the use of a data carrier for containing an identification profile of the user and Yeadon teaches a data carrier in the form of a smart card for containing an identification profile of the user.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on M-Th, 8:30 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6743 for regular communications and 703-308-6743 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Vernal Brown  
June 12, 2003

MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
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